



March 13, 2019

David Bixenspan  
Gizmodo Media Group  
MuckRock News Dept MR 60109  
411A Highland Ave  
Somerville, MA 02144-2516

RE: FOIA Case No. 2019-FPRO-00021

Dear Mr. Bixenspan:

This responds to your Freedom of Information Act (FOIA) request dated September 27, 2018, in which you seek access to Postal Service records. Please accept our apologies for the delayed response. Specifically, you requested:

1. All records relating to FOIA requests by the Congressional Leadership Fund and/or America Rising Corporation about Abigail Spanberger, including but not limited to processing notes, internal communications, the response letter(s), and responsive documents.
2. All references to this string of numbers: 9114901496451615068011
3. All correspondence from 2018 about Abigail Spanberger in general.
4. All 2018 correspondence with the Congressional Leadership Fund and/or America Rising Corporation.
5. All 2018 references to anyone named Pamela Gabriel.
6. Templates used for FOIA response letters.

Generally, the Freedom of Information Act (FOIA) requires government agencies to disclose reasonably described "records" within their possession unless the records fall within one or more of several exemptions. 5 U.S.C. § 552(a)(3), (b)(1)-(9).

We located 665 pages of responsive records to your request for items 1-5. Three hundred and thirty-nine pages are being withheld in their entirety under FOIA exemption 3 in conjunction with 39 U.S.C § 410(c)(2), 5, and 6 and some of the information on 187 pages are also being withheld under FOIA exemption 3, in conjunction with 39 U.S.C § 410(c)(2), 5 and 6. One hundred and thirty-nine pages are being released in full. The records are in the enclosed CD.

Exemption 3 provides that agencies may withhold records that are exempted from disclosure by another statute that "establishes particular criteria for withholding or refers to particular types of matters to be withheld." 5 U.S.C. § 552(b)(3). We consider that 39 U.S.C. § 410(c)(2) operates independently as an exempting statute within the scope of Exemption 3.

Section 410(c)(2) of Title 39, U.S. Code, provides that "information of a commercial nature, including trade secrets, whether or not obtained from a person outside the Postal Service, which under good business practice would not be publicly disclosed" is exempt from the disclosure requirements of the FOIA. This section was enacted as part of the Postal Reorganization Act, 39 U.S.C. § 101 et seq., (1970), which established the Postal Service as an independent establishment of the executive branch and generally directed it to conduct its operations in accordance with sound business principles.

To determine what constitutes "good business practice" under § 410(c)(2), courts consider the customs of the commercial world, management techniques, and business law, as well as the standards of practice adhered to by large corporations. The Postal Service may withhold information of a commercial nature if

large businesses would do the same. It would not be good business practice to release the requested information, and private businesses would not release information of this nature to the public.

Exemption 5 permits withholding inter-agency or intra-agency letters or memorandums that would not be available by law to a party other than an agency in litigation with the U.S. Postal Service. The purpose of this exemption is to encourage open, frank discussion on matters of policy between agency personnel; to protect against premature disclosure of proposed policies before they are finally adopted and to protect against public confusion that might result from disclosure of reasons and rationales that were not in fact ultimately the grounds for an agency's action.

Exemption 6 permits agencies to withhold "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." Any records, which contain information concerning particular individuals, may qualify for the exemption's protection.

In determining whether to release records that may be protected by Exemption 6, the agency must balance the privacy interests of the individuals involved against the public interest, if any, that would be served by disclosure. We do not consider that there is a public interest in the disclosure of the requested information sufficient to outweigh the privacy interests of the individual involved. For the purposes of FOIA Exemption 6, the only public interest to be weighed is the extent to which disclosure would serve the "core purpose" of the FOIA, which is to contribute significantly to public understanding of the operations or activities of the government, or, in other words, to shed light on the conduct of government agencies.

Regarding item 6 of your request, templates used for FOIA response letters. We use several different letter templates to respond to FOIA requests depending on the topic of the request. Please clarify which letter template you are inquiring about, if we do not hear back from you within 30 calendar days from the date of this letter, we will administratively close out this portion of the request. After that date, you may submit a new FOIA/PA request.

If you are not satisfied with the response to this request, you may file an administrative appeal within 90 days of the date of this response letter by writing to the General Counsel U.S. Postal Service 475 L'Enfant Plaza SW Washington, DC 20260 or via email at [FOIAAppeal@usps.gov](mailto:FOIAAppeal@usps.gov). Your appeal must be postmarked or electronically transmitted within 90 days of the date of the response to your request. The letter of appeal should include, as applicable:

- (1) A copy of the request, of any notification of denial or other action, and of any other related correspondence;
- (2) The FOIA tracking number assigned to the request;
- (3) A statement of the action, or failure to act, from which the appeal is taken;
- (4) A statement identifying the specific redactions to responsive records that the requester is challenging;
- (5) A statement of the relief sought; and
- (6) A statement of the reasons why the requester believes the action or failure to act is erroneous.

For further assistance and to discuss any aspect of your request, you may contact any of the following:

- Janine Castorina  
Chief Privacy and Records Management Officer  
Phone: (202) 268-3069
- Privacy & Records Management Office  
US Postal Service  
475 L'Enfant Plaza SW, Room 1P830  
Washington, DC 20260-1101  
Phone: (202) 268-2608  
Fax: (202) 268-5353

- Jane Eyre  
FOIA Public Liaison  
Phone: (202) 268-2144

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,



Janine Castorina  
Chief Privacy and Records Management Officer

Enclosure